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LETTER DATED 3 DECEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I wish to state the following:

In the morning of 18 November 1991, the head of the Iraqi Interests Section in Washington was summoned by Mr. David Mack of the United States Department of State, in the presence of the official responsible for the Iraq Desk in the United States Department of State. The head of the Iraqi Interests Section was handed an official paper containing points for discussion, including the allegation that the Government of Iraq had not fulfilled its obligations with regard to Kuwaiti and Saudi Arabian prisoners and missing persons.

We express our astonishment at the American behaviour in question. It is as though Washington were responsible for following up the implementation of Security Council resolutions, particularly with regard to the repatriation of Kuwaiti and Saudi Arabian prisoners and the search for Kuwaiti and Saudi Arabian missing persons, not the United Nations or the Secretary-General and the International Committee of the Red Cross (ICRC). We wish on this occasion to refer to some facts that are documented with ICRC as a rebuttal of those American allegations and also so that you may take cognizance of them. They are as follows:

1. Since the halt of military operations on 28 February 1991, Iraq has been following the subject of civilians and missing persons and has fulfilled its obligations. Iraq has also cooperated with ICRC on the subject of the repatriation of prisoners and detainees of Kuwaiti and other nationalities. Iraq has provided the necessary facilities to enable the ICRC delegation in Baghdad to collect data on missing persons, and that explicitly includes the right to contact directly all possible sources of information.

2. Since its acceptance of Security Council resolution 687 (1991), Iraq has implemented paragraphs 30 and 31 thereof in respect of Kuwaiti prisoners and detainees. Lists of the names of the above were submitted to the ICRC delegation in Baghdad, with a view to their repatriation to Kuwait.

3. The Kuwaitis who were accepted by the Kuwaiti authorities were in fact repatriated, as were third-country nationals. They numbered in toto 6,493, both soldiers and civilians.

4. To say that Iraq has not complied with its obligations with regard to settlement of the question of Kuwaiti missing persons is inaccurate and contrary to the truth. In this regard, we would state the following:

Through ongoing coordination and cooperation between the competent Iraqi authorities and the ICRC delegation in Baghdad, 3,905 Kuwaitis were registered in Iraq. This number represents 625 families, who were all given an opportunity to present themselves at the delegation's headquarters in Baghdad and to register their names of their own free will and without intervention from the Iraqi authorities. From the beginning, the ICRC delegation has applied to the Kuwaiti authorities for consent to their repatriation to Kuwait, but those authorities consented to the repatriation of only 400 Kuwaitis out of the total. The others are still in Iraq awaiting the consent of the Kuwaiti authorities to their repatriation.

5. On 11 November 1991, Iraq officially notified ICRC of its approval of the minutes of the Geneva meetings of 16 and 17 October 1991, in which the Iraqi delegation and the delegations of the allied States participated, under the auspices of ICRC, and at which, the following was agreed on:

(a) The printing and publication in a local newspaper of the names of the Kuwaiti missing persons alleged by Kuwait to be in Iraq, for the purpose of searching for them and obtaining information about their fate;

(b) The furnishing of lists of the locations of jails and places of detention to the ICRC delegation for investigation of the whereabouts of Kuwaiti missing persons;

(c) Visits to detention centres and jails are to be made in coordination with the competent Iraqi authorities and the Ministry of Foreign Affairs;

(d) The principle of reciprocity is to be followed in verifying that the above-mentioned measures have been taken in Saudi Arabia and Kuwait, inasmuch as Iraq has lists containing large numbers of names of Iraqi missing persons. Some of these have been submitted, and many other lists will be submitted subsequently through ICRC.

6. The purpose of the tendentious propaganda campaign being launched at this very time by the Kuwaiti regime and others with regard to the situation of Kuwaitis in Iraq is well known. It is an attempt to perpetuate the unjust economic embargo and boycott imposed on the Iraqi people.

We have already stated, and we repeat now, that the Kuwaitis currently in Iraq have freedom of residence and movement, are scattered throughout Iraq's governorates and live there in a normal fashion and that the ICRC delegation in Baghdad knows this full well. All that is needed is the Kuwaiti authorities' consent to the repatriation to Kuwait of those still in Iraq.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative